

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CR-20360-SCOLA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER LAZO CABRERA,

Defendant.

_____ /

SENTENCING MEMORANDUM

Defendant, JAVIER LAZO CABRERA, hereby files his Sentencing Memorandum and asks this Court to consider varying downward from the advisory guideline range. In support of this request, Cabrera states as follows:

The law is well-settled that this Court must consider the factors set forth in Title 18 U.S.C. § 3553 when fashioning an appropriate sentence in this case. *United States v. Crawford*, 407 F.3d 1174, 1178 (11th Cir. 2005). While § 3553 sets forth a wide range of factors that must be evaluated, this Court may weigh some factors more heavily than others. *United States v. Clay*, 483 F.3d 739, 743 (11th Cir. 2007). One of the factors that should be given consideration here is the efforts Cabrera has made to right his wrong. *United States v. Kim*, 364 F.3d 1235, 1244 (11th Cir. 2004)(Pre-*Booker* affirmance of downward departure based on extraordinary payment of restitution).

Cabrera understands the severity of his offense and the need for just punishment. He is also prepared to accept this punishment. However, he has also done more than simply plead guilty. As noted in his PSI, he has provided the government with all of the

information required to prosecute him and agreed to cooperate.

Cabrera has also gone to great lengths to demonstrate that he fully accepts responsibility for his actions and is remorseful. Cabrera sold his home. He took the proceeds from that sale and sent a payment of \$540,923.83 to the US Marshal (through counsel). He did so under his own volition and for the purpose of fixing his mistake. It is this extraordinary pre-sentencing effort to atone for his criminal act that sets him apart from other offenders.

There are other things that set Cabrera apart and should be considered when determining the appropriate sentence in this case. Cabrera has always worked hard and continues to do so. He made the Dean's List while attending Keiser University. See attached Letter from Keiser University. He has since grown his perfume business remarkably, employing 13 people. The business received accolades from the City of Doral for Cabrera's entrepreneurial achievements. See attached Certificate. Cabrera is truly the backbone of the business and 13 employees rely on him for their paychecks.

Those employees are not the only ones who are dependent on Cabrera. He fully supports his mother and step-father. His mother suffers from depression and anxiety and diabetes. Cabrera is her caretaker as she does not drive. His step-father is deaf and mute. Neither will be able to see Cabrera if he is incarcerated. Cabrera acknowledges that he made some poor decisions. He also realizes the impact that his poor decisions have and will continue to have on those closest to him. He simply pleads with this Court to consider these and other factors raised at the sentencing hearing when determining his sentence in this case.

WHEREFORE, Cabrera respectfully requests this Court vary downward from the advisory sentencing guidelines when imposing a sentence in this case.

Respectfully submitted,

/s/ Michael Mirer

MICHAEL MIRER, ESQ.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served on all counsel of record using the cm/ecf filing system this 22nd day of March, 2024.

/s/ Michael Mirer

MICHAEL MIRER, ESQ.

Exhibit “A”

Keiser University

1900 W. Commercial Blvd., Suite 100
Ft. Lauderdale, FL 33309
Toll Free: 1-866-KEISER 1
Telephone: 1-888-453-4737 Ext 318
Fax: (954) 618-6848

May 20, 2019

Javier Lazo Cabrera
15833 SW 66th Terrace
Miami, FL 33193


Dear Javier:

Congratulations! You have been placed on the *Dean's List* at Keiser University. This is one of the highest academic honors in the collegiate environment. Our *Dean's List* recipients have earned between a 3.75 to 4.0 grade point average, thereby demonstrating a great deal of discipline, dedication, and hard work in a challenging academic environment. You have now joined this elite group of students, based on your outstanding scholastic achievement, who have received this merit award.

Please allow me to formally applaud this achievement. In addition, I challenge you to remain on the *Dean's List* throughout your academic career at Keiser University, as you continue to move forward and strive to achieve your personal and professional goals.

Again, let me congratulate you once more on your achievement of being placed on the Dean's List, and if I or anyone on the eCampus team can be of assistance please feel free to contact us. I look forward to following your academic success here at Keiser University.

Sincerely,


Sandra Porta-Merida, Ph.D.
Dean of the Latin Division
Keiser University - eCampus

cc: file

www.keiseruniversity.edu



CONGRATULATORY CERTIFICATE

presented to

Javier Lazo

As Mayor and on behalf of the City Council and the residents of the City of Doral, I take great pleasure in commending you for your accomplishments as the entrepreneur and leader of EZENZIA Arabian Perfumes USA. As a distributor with exclusive contracts with the most coveted Arabian brands in the world, you have become one of the most successful distribution and sales companies in the union, distributing over 500 orders daily and providing employment to more than 13 individuals. Your hard work in leading this impactful business truly serves as an inspiration to all.

On this, the 4th day of the month of January 2024
Doral, Florida

A handwritten signature in black ink, appearing to read "Christii", is written over a horizontal line.

Mayor Christii Fraga

